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Attorneys for Federal Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

KSANKA KUPAQA XA'ŁĆIN, ROCK
CREEK ALLIANCE, EARTHWORKS,
MONTANA ENVIRONMENTAL
INFORMATION CENTER, DEFENDERS
OF WILDLIFE, SIERRA CLUB, and
CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiffs,

vs.

UNITED STATES FISH AND WILDLIFE
SERVICE; CHERYL PROBERT, Kootenai
National Forest Supervisor; and UNITED
STATES FOREST SERVICE,

Defendants,

and

RC RESOURCES, INC.,

Defendant-Intervenor.

CV 19-20-M-DWM

**FEDERAL DEFENDANTS'
MOTION FOR EXTENSION
OF TIME**

The United States Fish and Wildlife Service (“FWS”); Cheryl Probert, in her official capacity as Kootenai National Forest Supervisor; and the United States Forest Service (collectively, “Federal Defendants”) hereby move for a 21-day extension of all deadlines. This is Federal Defendants’ first request for an extension of time in this case. Federal Defendants have conferred with counsel for the parties and represent that Defendant-Intervenors do not oppose this motion and Plaintiffs take no position on this motion.

On January 25, 2019, Plaintiffs filed their Complaint for Declaratory and Injunctive Relief. ECF No. 1. Plaintiffs’ Complaint was served upon the United States Attorney for the District of Montana on January 30, 2019. ECF No. 7. Pursuant to Federal Rule of Civil Procedure 12(a)(2), Federal Defendants’ answer or other response to the Complaint is due April 1, 2019. By Order on January 28, 2019, the Court ordered the parties to submit pretrial statements by April 15, 2019, and to file a proposed case management plan by April 29, 2019. ECF No. 5.

Due to other obligations and the complexity of issues in this lawsuit, Federal Defendants require additional time to confer with staff at FWS and the Forest Service and coordinate their response to the Complaint. Federal Defendants hereby request a 21-day extension on the deadline to respond to the Complaint and all other deadlines in this case. Federal Defendants respectfully request that the Court grant this motion and order the following deadlines:

1. On or before April 22, 2019, Federal Defendants shall answer or otherwise respond to the Complaint.
2. On or before May 6, 2019, counsel for the respective parties shall file and serve on all parties a written preliminary pretrial statement, addressing all matters listed in L.R. 16.2(b)(1).
3. On or before May 20, 2019, the parties shall file a proposed case management plan.

Dated: March 26, 2019

Respectfully submitted,

JEAN E. WILLIAMS
Deputy Assistant Attorney General
U.S. Department of Justice
Environment & Natural Resources Division
SETH M. BARSKY, Section Chief
MEREDITH L. FLAX, Assistant Section Chief

/s/ Devon Lea Flanagan
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CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2019, I filed the foregoing with the Clerk of the Court using the CM/ECF system which will cause a copy to be served upon counsel of record.

/s/ *Devon Lea Flanagan*
DEVON LEA FLANAGAN

Attorney for Federal Defendants